

## COMMITTEE REPORT

MR. PRESIDENT:

**The Senate Committee on Judiciary, to which was referred Senate Bill No. 71, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1       Page 1, run in lines 1 through 2.
- 2       Run in page 1, line 17 through page 2, line 1.
- 3       Page 2, delete lines 11 through 12, begin a new line block indented
- 4       and insert:
- 5       **"(2) A person arrested after June 30, 1999, for a felony under**
- 6       **IC 35-42 (offenses against the person) or IC 35-43-2-1**
- 7       **(burglary)."**
- 8       Page 2, line 26, after "health." insert **"The department of**
- 9       **correction or arresting authority is not required to obtain a sample**
- 10      **from a person described in subsection (b) if a useable DNA profile**
- 11      **for the person already is in the Indiana DNA data base."**
- 12      Page 2, delete lines 27 through 41.
- 13      Page 3, delete lines 7 through 42, begin a new paragraph and insert:
- 14      **"SECTION 4. IC 10-1-9-20 IS AMENDED TO READ AS**
- 15      **FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20. (a) A person whose**
- 16      **DNA profile has been included in the Indiana DNA data base may**
- 17      **request expungement of the profile from the DNA data base on the**
- 18      **grounds that:**
- 19      **(1) the profile was included in the Indiana DNA data base as**
- 20      **a result of an arrest and a court has ordered the expungement**

- 1           **of the records related to the arrest under IC 35-38-5 or**  
 2           **another law; or**  
 3           (2) the conviction on which the authority for inclusion in the  
 4           Indiana DNA data base has been reversed and the case has been  
 5           dismissed.  
 6           (b) All identifiable information in the Indiana DNA data base  
 7           pertaining to a person requesting expungement under subsection (a)  
 8           shall be expunged and all samples from the person shall be destroyed  
 9           upon receipt of:  
 10           (1) a written request for expungement under subsection (a);  
 11           (2) a certified copy of the court order reversing and dismissing the  
 12           conviction **or granting an expungement of arrest records;** and  
 13           (3) any other information necessary to ascertain the validity of the  
 14           request.  
 15           (c) Upon expungement of a person's DNA profile from the Indiana  
 16           DNA data base, the superintendent shall request expungement of the  
 17           person's DNA profile from the national DNA data base."  
 18           Delete page 4.  
 19           Renumber all SECTIONS consecutively.  
           (Reference is to SB 71 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 6, Nays 4.

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**Bray**

**Chairperson**